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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,264	10/09/2001	Gene Karl Sendelweck	PU010117	6191

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EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,264

Applicant(s)

SENDELWECK, GENE KARL

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/9/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 5,10,14,16 and 17 each recite "wherein the pin serves as a bi-directional conduit for signals". Claim 17 recites "the pin serving as a bi-directional conduit for signals". There is no antecedent basis for bi-directional conduit. Claim 18 recites "high impedance". There is no antecedent basis for high impedance.

Drawings

2. The drawings are objected to because the relationship between figures is not clearly shown and line quality. Additionally, Figure 3 is objected to because there is no "pin 56", 56 refers to what is a BJT. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of

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the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. **Claim 18** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 recites "high impedance". The specification recites a "low source impedance" on page 4, line 30.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. **Claims 1-2,4-7,9-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Monti (U.S. Patent 5,557,236).

Claims 1,6,11,15 and 17 share common elements.

Regarding **claims 1,6,11,15 and 17** Monti discloses a signal processing system (Figures 2) comprising

means for providing a first signal intrinsic to an integrated circuit (5, inverter, Figure 2);

means for providing a first operational function to the first signal (7, comparator, Figure 2; column 3, lines 42-48), said function being provided at a pin of the integrated circuit, means for providing a second operational function to the first signal by the integrated circuit (column 3, lines 42-50);

and means for coupling a second signal extrinsic of the integrated circuit to the pin of the integrated circuit so that the means for providing the second operational function operates on the second signal (5, Figure 2; column 2, lines 24-25) .

Regarding **claims 15 and 17**, Monti further discloses the second signal being switchable "in" and "out", when switched "in" the first signal is switched "off" at the pin (column 2, lines 33-36).

All elements of **claims 2,4 and 5** are comprehended by claim 1 (column 2, lines 26-29 and line 35; column 2, lines 33-36; column 1, lines 56-59; Abstract).

All elements of **claims 7,9 and 10** are comprehended by claim 6 (column 2, lines 26-29 and line 35; column 2, lines 33-36; column 1, lines 56-59; Abstract).

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All elements of claims 12-14 are comprehended by claim 11 (column 2, lines 26-29 and line 35; column 1, lines 56-59; Abstract) (de-emphasis is defined as to minimize the importance of).

All elements of claim 16 are comprehended by claim 15 (Abstract) (Abstract).

6. Claims 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Monti (U.S. Patent 5,557,236) in view of Sendleweck (U.S. Patent 5,045,733).

Claims 3 and 8 claim the signal processing system of claims 1 and 6 respectively wherein the first operational functional is de-emphasis and the second operational function is a variable attenuator. Monti discloses of activating and deactivating a mute function but fails to disclose that a second operational function is a variable attenuator. Monti is dealing with muting an audio circuit and thus deals with volume. Sendleweck discloses a switching apparatus that can operation to enhance the switch-off attenuation (Abstract; column 3, lines 35-37). It would have been obvious to one of ordinary skill in the art to modify Monti so as to have the second function be that of a variable attenuator in order to provide the capability of better controlling the volume.

Claim Objections

7. Claims 2,7, 12 are objected to because of the following informalities: Claims 2,7 and 12 each recite "signal processor" .

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They should recite "signal processing system" as recited in each of the claims from which they depend. Appropriate correction is required.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
ADVISORY PATENT EXAMINER

DEF